

Jane Dee Hull  
Governor

Claudia Foutz  
Executive Director



Barry Cassidy, P.A.-C, Ph.D.  
Chair

Anna Marie Prassa  
Vice Chair

## Joint Board on the Regulation of Physician Assistants

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## FINAL MINUTES FOR MAY 15, 2002 JOINT BOARD MEETING

### JOINT BOARD MEMBERS

Barry Cassidy, P.A.-C, Ph.D., Chair  
Anna Marie Prassa, Vice Chair  
Rick Christensen, P.A.  
Randy Danielson, P.A.-C  
G. Bradley Klock, D.O.  
A. Ray Tuttle, P.A.-C  
Peter C. Wagner, D.O.  
Barry D. Weiss, M.D.  
Richard Zimmerman, M.D.

### STAFF

Claudia Foutz, Executive Director  
Ron Anderson, Acting Assistant Director  
Amanda Diehl, Acting Assistant Director  
Shelly Buboltz, Acting Board Operations Administrator  
Marie Slaughter, Licensing Administrator  
Dominick Spatafora, Legislative and Regulatory Affairs Director

### BOARD COUNSEL

Christine Cassetta, Assistant Attorney General

### **I. CALL TO ORDER**

Chair Barry Cassidy, P.A.-C, Ph.D. called the meeting to order at 1:00 p.m.

### **II. ROLL CALL**

The following Board members were present: Barry Cassidy, P.A.-C, Ph.D., Rick Christensen, P.A., Randy Danielson, P.A.-C, G. Bradley Klock, D.O., Anna Marie Prassa, Albert Ray Tuttle, P.A.-C, Peter Wagner, D.O., and Richard S. Zimmerman, M.D.

### **III. SPECIAL PRESENTATION**

Barry Cassidy, P.A.-C, Ph.D. presented Dominick Spatafora, Legislative and Regulatory Affairs Director, with a resolution that read as follows:

*Whereas* the Joint Board on the Regulation of Physician Assistants sought to update the existing laws that regulate the physician assistant profession, and

*Whereas* the Joint Board on the Regulation of Physician Assistants requested that Dominick Spatafora provide leadership to implement these changes in the Arizona State Legislature, and

*Whereas* Dominick Spatafora was responsible for the successful introduction and passage of HB 2013 and HB 2542 in the 45<sup>th</sup> Arizona legislative session

*Therefore Be It Resolved* that the Joint Board on the Regulation of Physician Assistants expresses its deepest appreciation to Dominick Spatafora for his professionalism and his tireless efforts on behalf of the citizens of Arizona to modernize the regulation of physician assistants.

Claudia Foutz, Executive Director, accepted the Resolution on behalf of Mr. Spatafora who was unable to attend the meeting. Ms. Foutz recognized Mr. Spatafora for his ability to work with a variety of stakeholders and create a legislative framework that has made the Joint Board the first autonomous Physician Assistant Board in the nation.

#### **IV. EXECUTIVE DIRECTOR'S REPORT**

##### **Resignation of Executive Director**

Claudia Foutz, Executive Director, informed the Board that she is resigning her role as Executive Director of the Joint Board on the Regulation of Physician Assistants. Ms. Foutz noted that the Board of Medical Examiners was recently ranked number one in the nation for serious disciplinary actions noted that the Board was recently ranked number one in the nation for issuing serious disciplinary action. Ms. Foutz recognized the support of the Board and Board staff, and thanked the Board for the opportunity to serve as Executive Director and make the changes she thought were right.

##### **Budget Report**

As of April 30, 2002 total revenue is \$73,173. Of that amount 10% (\$7,317) is deposited to the General Fund, leaving a balance of \$65,856. Total expenditures to date are \$198,376 less total revenue of \$65,856 leaves a deficit balance of \$130,520. Rick Christensen stated that the new law for fee increase will not go into effect until August. Ms. Foutz stated that the Board will need to write rules to establish fees until then BOMEX will continue to underwrite the P.A. Board

##### **Agency Statistics**

The Board was provided with information on the following items: Licensing Integrity System, Quality and Timely Investigations, Adjudication and Compliance, Public Awareness and Education.

##### **Human Resources Update**

The Performance-based Incentive Program (PIP) has received final approval from the Governor's Office of Strategic Management, the Joint Legislative Budget Committee, the Performance-based Incentive Program Oversight Committee, and Elliot Hibbs, Director of the Arizona Department of Administration. The program is currently being implemented. With regards to training, the Resource center is open and complete with a library of reading materials. Also, each staff member has developed a Personal Development Plan.

##### **Legislative Update**

There was no legislative update as Dominick Spatafora, Legislative and Regulatory Affairs Director, was not present at the meeting.

##### **Director's Scheduled Meetings**

The Board was provided with information regarding the Executive Director's scheduled meetings.

##### **Training Update**

The Board was provided with information regarding the Training Academy credits they have each received.

##### **Attendance Update**

The Board was provided with information regarding their individual attendance at Board meetings.

##### **Reading Material**

The Board was provided with reading material regarding the Board's recent number one ranking in the nation for serious disciplinary action.

#### **IV. CALL TO THE PUBLIC:**

Individuals who addressed the Board are listed under the case about which they spoke.

#### **VI. APPROVAL OF MINUTES:**

**MOTION:** Richard S. Zimmerman, M.D. moved to accept the February 20, 2002 Executive Session minutes.

**SECONDED:** Anna Marie Prassa

**VOTE:** 8-0-0 Motion passed.

**MOTION:** Richard S. Zimmerman, M.D. moved to accept the minutes from the March 25, 2002 Teleconference Meeting.

**SECONDED:** Anna Marie Prassa

**VOTE:** 8-0-0 Motion passed.

## VII. OLD BUSINESS

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
1.	PA-01-0026	JOINT BOARD	KYLE DENMAN, P.A.	2307	Probation for one year. P.A. Denman shall obtain 20 hours of Joint Board Staff pre-approved Continuing Medical Education (CME) in ethics to include clinician-patient boundary issues, and 20 hours of Joint Board Staff pre-approved CME in prescribing. The CME hours shall be in addition to the hours required for the renewal of physician assistant license.

Mike Wheeler, Senior Investigator, presented the case to the Board. Investigator Wheeler informed the Board that Kyle Denman, P.A. had signed a consent agreement and recommended the Board adopt the consent agreement. Rick Christensen, P.A. concurred.

**MOTION:** A. Ray Tuttle, P.A.-C moved to adopt the Findings of Fact, Conclusions of Law and proposed Consent Agreement.

**SECONDED:** Barry Cassidy, P.A.-C, Ph.D.

**ROLL CALL VOTE** was taken and the following Board members voted in favor of the motion: Barry Cassidy, P.A.-C, Ph.D., Rick Christensen, P.A., Randy Danielson, P.A.-C, G. Bradley Klock, D.O., Anna Marie Prassa, A. Ray Tuttle, P.A.-C, Peter C. Wagner, D.O. and Richard Zimmerman, M.D.

**VOTE:** 8-0-0 Motion passed.

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
2.	PA-96-S001	JOINT BOARD	JOHN VERSCHOOR, P.A.	1194	Terminated the Stipulated Rehabilitation Agreement.

John Verschoor, P.A. addressed the Board during the Call to the Public and thanked the Board for the help he received from the Monitored Aftercare Program. Kathleen Muller, Compliance Officer, presented the case to the Board and stated that P.A. Verschoor had been compliant with the terms of the Stipulated Rehabilitation Agreement and recommended termination. Rick Christensen, P.A. and Michael Sucher, M.D., Board Medical Consultant, concurred.

**MOTION:** Randy Danielson, P.A.-C moved to terminate the Stipulated Rehabilitation Agreement.

**SECONDED:** Richard S. Zimmerman, M.D.

**ROLL CALL VOTE** was taken and the following Board members voted in favor of the motion: Barry Cassidy, P.A.-C, Ph.D., Rick Christensen, P.A., Randy Danielson, P.A.-C, G. Bradley Klock, D.O., Anna Marie Prassa, A. Ray Tuttle, P.A.-C, Peter C. Wagner, D.O. and Richard Zimmerman, M.D.

**VOTE:** 8-0-0 Motion passed.

## VIII. NEW BUSINESS

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
3.	PA-01-0032	D.H.	MARK ADELMAN, P.A.	1501	Letter of Concern for failure to respond to numerous pages due to evidence being insufficient to support disciplinary action.

Lawrence J. Investigator Monte, Senior Investigator, presented the case to the Board and stated that P.A. Adelman did not meet the standard of care in that he failed to timely respond to a page. Richard S. Zimmerman, M.D. stated that it was unclear who was on call, but that it was inappropriate to turn off the pager without assuring proper coverage. Dr. Zimmerman further stated that there was no clear evidence that P.A. Adelman had made appropriate arrangements.

**MOTION:** Rick Christensen, P.A. moved to issue a Letter of Concern for failure to respond to numerous pages due to evidence being insufficient to support disciplinary action.

**SECONDED:** Anna Marie Prassa

**ROLL CALL VOTE** was taken and the following Board members voted in favor of the motion: Barry Cassidy, P.A.-C, Ph.D., Rick Christensen, P.A., Randy Danielson, P.A.-C, G. Bradley Klock, D.O., Anna Marie Prassa, A. Ray Tuttle, P.A.-C, Peter C. Wagner, D.O. and Richard Zimmerman, M.D.

**VOTE:** 8-0-0 Motion passed.

A. Ray Tuttle, P.A.-C asked if there is any precedent being set for instances when a pager system may not be working. In this case it appears that it was a willful disregard for responsibility but that instances may arise that are beyond a physician assistant's control. Rick Christensen, P.A. stated that the Board has the ability to review such cases on a case-by-case basis. This case is clearly not an instance of a malfunction, but that P.A. Adelman turned off the pager. Dr. Zimmerman stated that a malfunction that was within the physician assistant's control such as batteries not functioning is a physician assistant's responsibility and the Board would hold the physician assistant accountable.

## NEW BUSINESS CONTINUED

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
4.	PA-01-0020	JOINT BOARD	KRISTEN DIAL, P.A.-C	2281	Letter of Concern for inappropriate prescribing due to the physician assistant having demonstrated substantial compliance through remediation.

Robin King, Senior Investigator, presented the case to the Board and stated that P.A. Dial self-reported her inappropriate prescribing to the Board and supervising physician and subsequently changed her practice. Rick Christensen, P.A. stated that a violation of the law is a violation of the law, but noted that the P.A. did self-report and took corrective action.

**MOTION: P.A. Danielson moved to issue a Letter of Concern for inappropriate prescribing due to the physician assistant having demonstrated substantial compliance through remediation.**

**SECONDED: Anna Marie Prassa**

Richard S. Zimmerman, M.D. recused himself from the case. Barry Cassidy, P.A.-C, Ph.D. noted the record indicated there was one incident of hydrocodone but the Board should inform P.A. Dial that the Board appreciates her self-reporting. Rick Christensen, P.A. stated that when a physician assistant becomes a physician assistant they sign a statement that they are familiar with the law. P.A. Cassidy stated that a physician assistant in a specialty that would require frequent prescribing of controlled substances would be more cognizant of the law. The Board discussed the physician assistant's prescribing of hydrocodone.

**ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Barry Cassidy, P.A.-C, Ph.D., Rick Christensen, P.A., Randy Danielson, P.A.-C, G. Bradley Klock, D.O., Anna Marie Prassa, and A. Ray Tuttle, P.A.-C. The following Board member voted against the motion: Peter C. Wagner, D.O.**

**VOTE: 6-1-0 Motion passed.**

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
5.	PA-01-0031	JOINT BOARD	JEFF SKY, P.A.	1989	Dismissed.

John Checkett, Attorney for Jeff Sky, P.A. addressed the Board during the Call to the Public and requested the Board adopt the recommendation for dismissal of the complaint.

**MOTION: G. Bradley Klock, D.O. moved to dismiss cases 5,7-11.**

**SECONDED: Anna Marie Prassa**

A. Ray Tuttle, P.A.-C recused himself from case 10.

**VOTE: 8-0-0 Motion passed.**

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
6.	PA-01-0009	JOINT BOARD	SALVADOR AQUINO, P.A.	1003	Investigation continued.

Robin King, Senior Investigator, presented the case to the Board. Rudolf Kirschner, M.D., Board Medical Consultant, stated that the physician assistant met the standard of care. A. Ray Tuttle, P.A.-C stated that on his initial evaluation he had concerns but after reviewing a supplemental report this case appeared to be more of a personality conflict than an issue of patient care and therefore recommended dismissing the complaint. Dr. Kirschner concurred. P.A. Cassidy stated his concerns regarding the standard of care at an urgent care center versus an emergency room. Dr. Kirschner stated that the patient was transferred as expeditiously as possible. Rick Christensen, P.A. stated that the reason the transport took place was because the physician ordered it, but P.A. Aquino did not respond quickly and that looking at this case, there were a number of red flags regarding patient care. P.A. Christensen stated that there were serious allegations regarding impairment. G. Bradley Klock, D.P. expressed his concerns regarding supervision and questioned the patient's status before 911 was called. P.A. Christensen stated that there is a discrepancy as to when the patient coded. P.A. Christensen recommended continuing the investigation to look at the issues of physician supervision and a review of charts. Christine Cassetta, Board Counsel, stated that a case is currently open against the supervising physician.

**MOTION: Rick Christensen, P.A. moved to continue the investigation in order to survey 20 charts of P.A. Aquino at random as there is a concern for patient care issues; review the physician's supervising practice of P.A. Aquino; and refer to the Department of Health Services to evaluate the facility in which P.A. Aquino is working.**

**SECONDED: G. Bradley Klock, D.O.**

Dr. Kirschner recommended waiting on this case until the case against the supervising physician had been completed. Rick Christensen, P.A. stated that the Board has the responsibility to protect the public. The Board discussed the issue of who was the supervising physician. Rick

## NEW BUSINESS: P.A. AQUINO CONTINUED

Christensen, P.A. stated that allegedly Dr. Marsh is allowing an unsafe practice environment. Ms. Cassetta stated that the Department of Health Services regulates the licensing of medical facilities. Dr. Klock recommended referring this case to the Department of Health Services to evaluate the facility. Dr. Zimmerman asked for clarification with regards to what the Board would ask Department of Health Services to look for in its evaluation and what it would add to the case. Rick Christensen, P.A. stated that the management of the facility is under question. Ms. Cassetta advised the Board that reviewing the facility would be the jurisdiction of Department of Health Services.

**VOTE: 8-0-0 Motion passed.**

Ms. Cassetta advised the Board that they would need to wait for the investigation to be completed before determining if they should invite P.A. Aquino for an informal interview. Investigator King informed the Board that Dr. Marsh is the supervising physician and that Dr. Chapman is neither an agent nor a supervising physician.

NO.	CASE NO.	COMPLAINANT	PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
7.	PA-01-0014	A.L.	JAMES GREPLING, P.A.	1156	Dismissed.
8.	PA-01-0011	P.K. and M.K.	LORA GREENBERG, P.A.-C	2055	Dismissed.
9.	PA-01-0013	P.F.	DONALD SEIDEL, P.A.	2042	Dismissed.
10.	PA-01-0033	R.R.M.	KENNETH LARSON, P.A.	1090	Dismissed.
11.	PA-01-0019	L.S.	MICHAEL PREBIL, P.A.	1940	Dismissed.

Barry Cassidy, P.A.-C, Ph.D. informed the Board that HB 2542 passed the House.

**MOTION: Richard S. Zimmerman, M.D. moved to adjourn the meeting.**

**SECONDED: Anna Marie Prassa**

**VOTE: 8-0-0 Motion passed.**

The meeting adjourned at 2:05 p.m.

[Seal]

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CLAUDIA FOUTZ, Executive Director